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★ 22 2006 ★

NOT FOR PUBLICATION

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KENNETH PLATO,

Petitioner,

MEMORANDUM AND ORDER

-against-

06-CV-6559 (BMC)

THOMAS POOLE,

Respondent.
-----X

COGAN, United States District Judge:

Petitioner Kenneth Plato, who is currently incarcerated at Five Points Correctional Facility, brings this *pro se habeas corpus* petition for relief from a judgment of conviction entered in Kings County Supreme Court, pursuant to 28 U.S.C. § 2254. Petitioner's request to proceed *in forma pauperis* is granted, and petitioner is granted leave to amend his petition within thirty (30) days of the date of this Order.

Following a jury trial in New York Supreme Court, Kings County, petitioner was convicted on December 4, 2001 on several charges, and sentenced on January 29, 2002 to 25-30 years imprisonment. Petitioner appealed his conviction, which was affirmed on October 3, 2005 by the New York Supreme Court, Appellate Division, Second Department. People v. Plato, 801 N.Y.S.2d 536, 2003 N.Y. Slip Op. 07394 (2d Dep't 2005). Petitioner then sought leave to appeal to the New York State Court of Appeals, which denied his application on December 5, 2005. People v. Plato, 6 N.Y.3d 757 (2005). Petitioner apparently did not seek a writ of certiorari from the United States Supreme Court. There is no indication that petitioner collaterally attacked his judgment of conviction or whether he has properly exhausted his claims in state court.

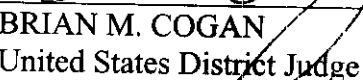
The instant petition is not dated or signed. It was received by the United States District

Court for the Eastern District of New York on December 4, 2006. It consists of typed entries to a form "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody." Petitioner states three grounds for relief and refers to specific page numbers in an attached brief. However, no brief or other documents are attached to the form.

Petitioner is hereby granted leave to file an amended petition for a writ of habeas corpus, within 30 days, in which he clearly sets out each of the grounds upon which he seeks relief from his conviction or sentence and any supporting facts. He may attach his appellate brief or another document that supports his claims for relief. Moreover, Petitioner should indicate what steps he took to raise each claim in state court, so that this Court may determine whether each claim is properly exhausted, as is required by the Antiterrorism and Effective Death Penalty Act of 1996. See 28 U.S.C. § 2254(b)(1). The amended petition must be signed.

No response shall be required from respondent at this time and all further proceedings shall be stayed for thirty (30) days or until the petitioner has complied with this Order.

SO ORDERED.


BRIAN M. COGAN
United States District Judge

Dated: Brooklyn, New York
December 22, 2006